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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BUI, LUAN KIM

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 01/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,461

Applicant(s)

CYR, RYAN

Examiner

Luan K Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, last line, the term "litem"[sic] is inaccurate and indefinite. Claim 15 is indefinite because it depends on itself. In claim 15, the phrase "said securing means" lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 10, 12-14, 16-18, 21, 23, 26, 28 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Bordes (6,223,897). Bordes discloses a storage system/pouch/container (30) for holding documents comprising a foldable panel (40) made from a flexible sheet of material and an interior surface and an exterior surface and forming at least three sections (A, B, C, D) with at least two of the sections (A, C) are foldable onto a stationary section (B), a

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plurality of pockets (1-27) with each pocket attached to the interior surface and having a top opening and a plurality of flags (78) with each flag attached to the interior surface and located adjacent to the top opening of a respective one of the each pocket (Figures 1-7). The pockets of Bordes are inherently capable of retaining the reusable items such as a recording cartridge and each of the flags of Bordes is inherently capable of either moved out to cover the top opening of the each pocket to indicate that a reusable item has been used or tucked within the each pocket to indicate that the reusable item has not been used.

5. Claims 1, 4, 5, 8-10, 12-14, 16-18, 21, 23, 26, 28 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruben (5,360,215). Ruben shows a storage device (24) for holding items comprising a foldable panel (10) made from a flexible sheet of material and an interior surface and an exterior surface and forming at least three sections (each section having at least one pocket 12-18) with at least two of the sections (with pockets 14, 16) are foldable onto a stationary section (with pocket 18), a plurality of pockets (12-18) with each pocket attached to the interior surface and having a top opening, a plurality of flags (no numerals) with each flag attached to the interior surface and located adjacent to the top opening of a respective one of the each pocket and a flap (28) attached to an upper end of the foldable panel and having means (30, 32) for securing the flap to the foldable panel to secure the sections together in its closed condition (Figures 1-4). The pockets of Ruben are inherently capable of retaining the reusable items such as a recording cartridge and each of the flags of Ruben is inherently capable of either moved out to cover the top opening of the each pocket to indicate that a reusable item has been used or tucked within the each pocket to indicate that the reusable item has not been used.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-9, 11, 15, 19, 20, 22, 27 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bordes (6,223,897) in view of Ruben (5,360,215). Bordes discloses the storage system/pouch/container (30) as above having all the limitations of the claims except for a flap being attached to the foldable panel and having means for securing the flap to the foldable panel to secure the sections together in its closed condition. Ruben shows a storage device (24) for holding items comprising a foldable panel (10) made from a flexible sheet of material and an interior surface and an exterior surface and forming at least three sections (each section having at least one pocket 12-18) with at least two of the sections (with pockets 14, 16) are foldable onto a stationary section (with pocket 18), a plurality of pockets (12-18) with each pocket attached to the interior surface and having a top opening, a plurality of flags (no numerals) with each flag attached to the interior surface and located adjacent to the top opening of a respective one of the each pocket and a flap (28) attached to an upper end of the foldable panel and having means (30, 32) for securing the flap to the foldable panel to secure the sections together in its closed condition (Figures 1-4). Ruben further shows the pocket (12) and the flag formed from red color. It would have been obvious to one having ordinary skill in the art in view of Ruben to modify the storage system of Bordes so it includes a flap attached to the foldable panel and

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having means for securing the flap to the foldable panel to secure the sections together in its closed condition for better protecting the items during transportation.

8. Claims 24, 25, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 23 and 28 above, and further in view of Young et al.


(4,960,204; hereinafter Young'204). Bordes further fails to show the storage system being permanently affixed to a carrying case. Young'204 suggest a carrying case (10) having a plurality of pockets (70-84) affixed to the case (Figure 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Young'204 to modify the storage system of Bordes so the storage system is permanently affixed to a carrying case to facilitate storage and transportation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 872-9301. Facsimile correspondence for this application should be sent to (703) 872-9306 for Formal papers and After Final communications.

lkb
January 22, 2004



Luan K. Bui
Primary Examiner